IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NOs.12423, 12436, 13750 and 13773 of 1997

1. WRIT PETITIONER NO.12423 OF 1997

Between:

M.Ramana Chari S/o.Shri Shankaraiah (E.319260)
Huzurabad Depot A.P.S.R.T.C.,
Karimnagar District.

...PETITIONER

AND

1. Vice Chairman & Managing Director, APSRTC, Musheerabad, Hyderabad.
2. Regional Manager, APSRTC, Karimnagar Zone, Karimnagar.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ or Order or Direction especially one in the nature of Mandamus i) declaring the action of the Respondents in not regularizing the petitioners services w.e.f. the date of his initial appointment i.e. 12-3-1985 as illegal, arbitrary & discriminatory. ii) direct the Respondents to regularize the petitioner's services as Conductor w.e.f the date of his initial appointment w.e.f. 12-3-1985 and fix his pay accordingly duly granting annual increments; & iii) pass any such other order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.K.VASUDEVA REDDY

Counsel for the Respondents: SMT.G.JYOTHI KIRAN

-

-

-

-

-

(2) WRIT PETITION NO.12436 of 1997

Between:

N.Narayana (E.318823) S/o.Mallaiah,
Godavarikhani-Depot Karimnagar District.

...PETITIONER

AND

1. Vice Chairman & Managing Director, APSRTC, Musheerabad, Hyderabad.
2. Regional Manager, APSRTC, Karimnagar Zone, Karimnagar.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ or Order or Direction especially one in the nature of Mandamus i) declaring the action of the respondents in not regularizing the petitioners services w.e.f. the date of his initial appointment i.e. 23-3-1984 as illegal, arbitrary & discriminatory. ii) direct the respondents to regularize the petitioner's services as Conductor w.e.f the date of his initial appointment w.e.23-2-1984 and fix his pay accordingly duly granting annual increments; & iii) pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.K.VASUDEVA REDDY

Counsel for the Respondents: SMT.G.JYOTHI KIRAN (SC FOR A.P.S.R.T.C.)

(3) WRIT PETITION NO : 13750 of 1997

Between:

V.Thakkanna, S/o Narsimlu,

Karimnagar-II Depot, APSRTC, Karimnagar.

...PETITIONER

AND

1. Vice Chairman & Managing Director, APSRTC, Musheerabad, Hyderabad.
2. Regional Manager, APSRTC, Karimnagar Zone, Karimnagar.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction especially one in the nature of mandamus: (i) declaring the action of the respondents in not regularizing the petitioner's services w.e.f the date of his initial appointment i.e. 16.4.83, as illegal, arbitrary and discriminatory; (ii) Direct the respondents to regularize the petitioner's services as conductor w.e.f. the date of his initial appointment w.e.f.16.4.83, and fix pay accordingly duly granting Annual Increments; (iii) pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.K.VASUDEVA REDDY

Counsel for the Respondents: SMT.G.JYOTHI KIRAN (SC for APSRTC)

(4) WRIT PETITION NO : 13773 of 1997

Between:

B.Pochalu, S/o Rajeeru,
Jagtial Deopt, APSRTC, Karimnagar District.

...PETITIONER

AND

1. Vice Chairman & Managing Director, APSRTC, Musheerabad, Hyderabad.
2. Regional Manager, APSRTC, Karimnagar Zone, Karimnagar.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction especially one in the nature of writ of mandamus: (i) declaring the action of the respondents in not regularizing the petitioner's services w.e.f the date of his initial appointment i.e. 14.5.82, as illegal, arbitrary and discriminatory; (ii) Direct the respondents to regularize the petitioner's services as

conductor w.e.f. the date of his initial appointment i.e., 14.5.82, and fix his pay accordingly duly granting Annual Increments; & (iii) pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.K.VASUDEVA REDDY

Counsel for the Respondents: SMT.G.JYOTHI KIRAN (SC for APSRTC)

The Court made the following:

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NOs.12423, 12436, 13750 and 13773 of 1997

COMMON ORDER:

Since all these matters involve common question, they have been taken together for disposal with this common order.

Heard the learned counsel for the petitioners and learned Standing Counsel for APSRTC, Smt.G.Jyothi Kiran.

In all these Writ Petitions, the petitioners are the conductors, who seek regularization of their services *inter alia* on the ground that they were initially appointed and due to subsequent action of the respondents, their services were terminated. However, on the intervention of the Labour Court, the same were set aside with all benefits. In spite of the same, the respondents are not regularizing their services from the date of initial appointment and instead, they sought to regularize at later dates, which is wholly unsustainable. Further, it is also submitted that the regularization is in the teeth of the circular, issued by the respondents.

Having heard the counsel on both sides and also on perusal of the material available on record, it is to be noted that there is no dispute that admittedly the petitioners have not approached the respondent-Corporation before approaching this Court under Article 226 of the Constitution of India. Even the basic principle of

demand by the petitioners and refusal by the respondents with regard to the regularization has not occurred. Hence, this Court do not venture to go into the merits of the claim either way, though a distinction is sought to be made on behalf of the respondents that the petitioners are not entitled for any such relief, in view of the nature of their appointment.

The Writ Petitions are accordingly disposed of permitting the petitioners to file comprehensive representations within a period of four weeks from the date of receipt of a copy of this order. On receipt of such representations, the respondents shall dispose of the same within a period of six weeks thereafter and pass orders in accordance with law.

-

-

_____

(B.PRAKASH RAO, J)

10th December 2004

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The Vice Chairman & Managing Director, APSRTC, Musheerabad, Hyderabad.
2. The Regional Manager, APSRTC, Karimnagar Zone, Karimnagar.
3. Two CD copies.